

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CURRENT BOURNE,

Plaintiff,

vs

9:03-CV-1130

GEORGE PATAKI, Governor of the State of New York; BRION TRAVIS, Chairman of the New York State Division of Parole; and NEW YORK STATE DIVISION OF PAROLE,

Defendant.

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APPEARANCES:

OF COUNSEL:

CURRENT BOURNE  
92-A-5932  
Hudson Correctional Facility  
P.O. Box 576  
Hudson, NY 12534-0576

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Defendant  
Department of Law  
The Capitol  
Albany, New York 12224

DAVID N. HURD  
United States District Judge

RISA L. VIGLUCCI, ESQ.  
Asst. Attorney General

**O R D E R**

Plaintiff, Current Bourne, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report Recommendation dated February 18, 2005, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the motion to dismiss filed on behalf of defendant Travis be granted and the complaint be dismissed in its entirety as to this defendant; and that the claims against the New York State Division of Parole be dismissed

sua sponte and the complaint be dismissed in its entirety as against all defendants. The plaintiff has not filed objections to the Report-Recommendation.

Accordingly, it is

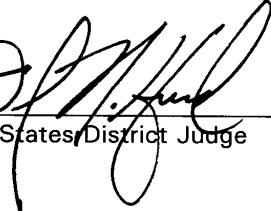
ORDERED that

1. The motion to dismiss of defendant Travis is GRANTED;
2. The claims against the defendant New York State Division of Parole are DISMISSED.
3. The complaint is DISMISSED in its entirety as to all defendants.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: August 25, 2005  
Utica, New York.



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United States District Judge